

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KURTIS DANIEL STOVER,	:	CIVIL ACTION NO. 1:17-CV-1723
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
DOUGLAS HOCKENBERRY,	:	
SAMUEL E. MILLER, JR.,	:	
JOSEPH CAPERS, and	:	
SAMANTHA A. MILLER,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 6th day of November, 2018, upon consideration of the report (Doc. 21) of Chief Magistrate Judge Susan E. Schwab, issued following a review of the amended complaint (Doc. 19) of *pro se* plaintiff Kurtis Daniel Stover (“Stover”) pursuant to 28 U.S.C. § 1915(e)(2), wherein Judge Schwab recommends that the court dismiss Stover’s complaint without further leave to amend for failure to state a claim for which relief may be granted, and it appearing that Stover has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order

to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court in agreement with Judge Schwab’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 21) of Chief Magistrate Judge Schwab is ADOPTED.
2. Stover’s amended complaint (Doc. 19) is DISMISSED.
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania